

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action of November 10, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6, 9-20 and 23-38 are pending in the Application. Claims 33-38 are added by this amendment. Claims 11 and 25 are canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claims 1, 15 and 28 are independent claims.

In the Final Office Action, claims 1, 15 and 28 are rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

However, in the interest of expediting consideration and allowance of the pending claims, the Applicants have elected to amend the claims to render this rejection of the claims moot. Accordingly, it is respectfully submitted that claims 1, 15 and 28 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

In the Final Office Action, claims 1-5, 9, 10, 12, 13, 15-19, 23, 24 and 26 are rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2002/0120935 to Huber ("Huber") in view of U.S. Patent No. 6,669,278 to Yen ("Yen"). Claims 6 and 20 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent No. 6,553,347 to Tavor ("Tavor"). Claims 11, 14, 25 and 27 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent Publication No. 2005/0015815 to Shoff ("Shoff"). Claim 28 is rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of Tavor. Claim 29 is rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of Tavor in further view of U.S. Patent Publication No. 2002/0059590 to Kitsukawa ("Kitsukawa"). Claims 30 and 31 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent Publication No. 2003/0130983 to Rebane ("Rebane"). Claim 32 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Yen in further view of Tavor in further view of Rebane. Claims 33-36 are rejected under 35 U.S.C. §103(a) over Huber in view of Yen in further view of U.S. Patent Publication No. 2002/0056109 to Tomsen ("Tomsen").

The rejections of claims 1-6, 9-20 and 23-38 is respectfully traversed. It is respectfully submitted that the claims are allowable over Huber in view of Yen alone, and in any combination with Tavor, Shoff, Kitsukawa, Rebane and Tomsen for at least the following reasons.

It is undisputed that Huber does not teach, disclose or suggest that the "video signal is separate into a plurality of frames, each frame from at least a portion of the plurality of frames being subdivided into selectable regions, the processor capable of selecting at least one selectable region during the selecting step." (See, Final Office Action, page 11.) Shoff is cited to provide that which is admitted missing from Huber, however, it is respectfully submitted that reliance on Shoff is misplaced.

While Schoff states that the program may be characterized in terms of frames and that the introduction of content may be keyed to the frame numbers (see, Schoff, paragraph [0067] cited in the Final Office Action), Schoff does not disclose or suggest that each of the frames are subdivided into regions that contain selectable products and regions that contain products that are not selectable.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Huber in view of Yen alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane. For example, Huber in view of Yen alone, or in any combination with Tavor, Shoff, Kitsukawa, Rebane and Tomsen does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "performing, by the video device, a search to identify data related to the selected product, wherein the video signal is separated into a plurality of frames, each frame from at least a portion of the plurality of frames being subdivided into a first region containing products that are capable of being selected during a first frame of the plurality of frames and a second region containing products not capable of being selected during the first frame of the plurality of frames, wherein the selection is of a product that is in the second region in the first frame of the plurality of frames when the selection is performed, wherein the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected" as recited in claim 1, and as substantially recited in each of Claims 15 and 28. Tavor, Kitsukawa, Rebane and Tomsen are

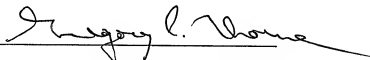
cited for allegedly showing other features of the claims yet in any event, do not cure the deficiencies in Huber.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 15, and 28 are patentable over Huber in view of Yen, alone, and in any combination with Tavor, Shoff, Kitsukawa, Rebane and Tomsen and notice to this effect is earnestly solicited. Claims 2-6, 9-14, 16-20 and 23-38 respectively depend from one of Claims 1, 15 and 28 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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January 11, 2010

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